

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

MINH NGOC PHAN,
(a/k/a "Bi")
VAN RIL HUYNH,
THI PHUONG MAI LE
(a/k/a "Mai"), and
HONG BICH TIEU,

Defendants.

VIOLATIONS: 04-10085-RGS

31 U.S.C. § 5332(a)(1) -
Attempted Bulk Cash Smuggling
18 U.S.C. § 371 -
Conspiracy to Smuggle Bulk Cash
31 U.S.C. § 5332(b)(2) - Criminal
Forfeiture

INDICTMENT

COUNT ONE: (31 U.S.C. § 5332(a)(1) - Attempted Bulk Cash Smuggling)

The Grand Jury charges that:

From a date unknown to the Grand Jury, but from at least on or about August 28, 2003, and continuing thereafter until on or about August 29, 2003, at Boston, elsewhere in the District of Massachusetts, in the District of Rhode Island, in the District of New Hampshire, in the District of Vermont, and elsewhere,

MINH N. PHAN,
(a/k/a "Bi"), and
Van RIL HUYNH,

defendants herein, did, with the intent to evade a currency reporting requirement under Title 31, United States Code, Section 5316, knowingly conceal more than \$10,000 in United States currency in a conveyance, specifically an automobile, and did attempt to transfer such currency from a place within the United States to a place outside of the United States, in violation of Title 31, United States Code, Section 5332(a)(1).

All in violation of Title 31, United States Code, Section 5332(a)(1) and Title 18, United States Code, Section 2.

COUNT TWO: (18 U.S.C. § 371 - Conspiracy To Smuggle Bulk Cash)

The Grand Jury further charges that:

From at least in or about May, 2003, and continuing thereafter until at least on or about August 31, 2003, at Boston, and elsewhere in the District of Massachusetts, and in the District of Rhode Island, the District of New Hampshire, the District of Vermont, and elsewhere,

**MINH N. PHAN (a/k/a "Bi"),
VAN RIL HUYNH,
THI PHUONG MAI LE, (a/k/a "Mai"), and
HONG BICH TIEU,**

defendants herein, did unlawfully, willfully, and knowingly combine, conspire, confederate, and agree with one other, and with persons unknown to the Grand Jury, to commit an offense against the United States, that is, with the intent to evade a currency reporting requirement under Title 31, United States Code, Section 5316, to conceal more than \$10,000 in United States currency in a conveyance, specifically an automobile, and to transfer such currency from a place within the United States to a place outside of the United States, in violation of Title 31, United States Code, Section 5332(a)(1).

Object Of The Conspiracy

The principal object of the conspiracy was to cause and facilitate the concealment of cash in automobiles and other conveyances, and then to smuggle that cash from the United States to Canada.

Overt Acts

In furtherance of, and in order to accomplish the object of the conspiracy, the following overt acts, among others, were committed by the defendants:

- a. On May 25, 2003, Minh Phan and Mai Le had a coded telephone conversation about

collecting money.

b. On June 27, 2003, Minh Phan and Mai Le had a coded telephone conversation about collecting money.

c. On July 6, 2003, Minh Phan and Mai Le had a coded conversation about whether a car was fixed for traveling.

d. On July 30, 2003, Hong Tieu and Minh Phan had a coded conversation about the amount of money that Minh Phan had packaged for delivery.

e. On August 7, 2003, Hong Tieu and Minh Phan had a coded telephone conversation concerning the logistics of the transport of cash from Massachusetts to Canada.

f. On August 8, 2003, Van Ril Huynh had a coded conversation with Minh Phan concerning the fact that he would drive Mai's car.

g. On August 8, 2003, Minh Phan met Van Ril Huynh near a 7-11 store in Dorchester, Massachusetts, and took Van Ril Huynh's car, a grey minivan bearing Ontario registration ARLE 699, registered in the name of Van Ril Huynh, 87 Willow Street, Apt. ½, Ottawa, Ontario, Canada, and drove it to the garage for 458 Union Street, Providence, Rhode Island, where he arrived at approximately 2:44 PM.

h. The following morning, on August 9, 2003, at approximately 7:35 AM, Van Ril Huynh drove the Grey Minivan from Braintree, Massachusetts, to the Rock Island, Vermont border crossing, where he crossed into Canada at approximately 1:00 PM.

i. From the Canadian border, Van Ril Huynh drove the Grey Minivan to 2 Huntmaster Road, Ottawa, where he was met at the garage by a male and a female co-conspirator, both of whom are known to the grand jury.

j. The following day, August 10, 2003, and again on August 12, 2003, Minh Phan had

coded conversations with an unidentified female concerning the money that had been delivered on August 9, 2003.

k. On August 27, 2003, Van Ril Huynh re-entered the United States in the Grey Minivan, and was observed at the Ramada Inn in Dorchester.

l. Minh Phan met with Van Ril Huynh at the Ramada Inn.

m. On August 29, 2003, Van Ril Huynh called Minh Phan at approximately 11:10 AM, and asked him whether he was finished "fixing the car yet."

n. Later that day, at approximately 12:03 PM, Minh Phan and a male co-conspirator known to the grand jury drove away from Dorchester in the Grey Minivan and a blue Maxima, and had a telephone conversation concerning the importance of driving slowly.

o. On August 29, 2003, at approximately 4:28 PM, Minh Phan had a coded telephone conversation with an unidentified female concerning the fact that a male co-conspirator known to the grand jury was with him, and was helping Minh Phan "move the stuff".

p. At approximately 6:19 PM, Van Ril Huynh, Minh Phan, a male and a female co-conspirator, both known to the grand jury, as well as two young children, met in the parking lot of the Boston Bowl. The four adults transferred boxes, bags, and a cooler from the Blue Maxima into the Grey Minivan.

q. At approximately 6:20 PM, Van Ril Huynh, a female co-conspirator known to the grand jury, and the two children left the area in the Grey Minivan.

r. Van Ril Huynh drove the Grey Minivan, through Massachusetts and New Hampshire and then crossed into Vermont. The Grey Minivan's gas tank contained 65 sealed plastic packages inside of which was approximately \$754,313 in United States currency.

All in violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATIONS
[31 U.S.C. § 5332(b)]

1. The allegations of Counts One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 31, United States Code, Section 5332(b).

2. As the result of the offenses alleged in Counts One and Two, the defendants,

**MINH N. PHAN (a/k/a "Bi"),
VAN RIL HUYNH,
THI PHUONG MAI LE, (a/k/a "Mai"), and
HONG BICH TIEU,**

shall forfeit to the United States of America, pursuant to Title 31, United States Code, Section 5332(b), all property, real and personal, involved in the offenses, and all property traceable to such property. The property involved in the offenses includes, without limitation, all currency and monetary instruments concealed or intended to be concealed, and all articles, containers, and conveyances used or intended to be used, in the offenses, and all other property used or intended to be used to facilitate the offenses. The property to be forfeited includes, without limitation, the following:

All currency smuggled, and attempted to be smuggled, during the course of the charged attempted smuggling and smuggling conspiracy, including, without limitation, approximately \$754,313.00 in United States currency seized on or about August 29, 2003.

3. If any of the forfeitable property described in paragraph 2 above, as a result of any act or omission of the defendants:

- (a) Cannot be located upon the exercise of due diligence;
- (b) Has been transferred or sold to, or deposited with, a third party;

- (c) Has been placed beyond the jurisdiction of the Court;
- (d) Has been substantially diminished in value; or
- (e) Has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 31, United States Code, Section 5332(b)(3), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in subparagraphs (a) through (e) of this paragraph.

All pursuant to Title 31, United States Code, Section 5332(b).

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: Boston Category No. II Investigating Agency DEACity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant X
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Minh Ngoc Pham Juvenile ☐ Yes ☒ NoAlias Name "Bi"Address 97 Lonsdale Street, Apartment 3, Dorchester, MABirth date (Year only): 1981 SSN (last 4 #): 6367 Sex M Race: Asian Nationality: Vietnamese

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Heidi E. Brieger Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: VietnameseMatter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**Arrest Date: 03/31/04☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 3/25/04 Signature of AUSA: Heidi E Brieger

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Minh Ngoc Phan

| U.S.C. Citations | | |
|---------------------------------|---------------------------------------|----------------------|
| <u>Index Key/Code</u> | <u>Description of Offense Charged</u> | <u>Count Numbers</u> |
| Set 1 <u>31 USC §5332(a)(1)</u> | <u>Bulk Cash Smuggling</u> | <u>I</u> |
| Set 2 <u>18 USC §371</u> | <u>Conspiracy</u> | <u>II</u> |
| Set 3 _____ | _____ | _____ |
| Set 4 _____ | _____ | _____ |
| Set 5 _____ | _____ | _____ |
| Set 6 _____ | _____ | _____ |
| Set 7 _____ | _____ | _____ |
| Set 8 _____ | _____ | _____ |
| Set 9 _____ | _____ | _____ |
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| Set 11 _____ | _____ | _____ |
| Set 12 _____ | _____ | _____ |
| Set 13 _____ | _____ | _____ |
| Set 14 _____ | _____ | _____ |
| Set 15 _____ | _____ | _____ |

ADDITIONAL INFORMATION: _____

JS 45 (5/97) - (Revised USAO MA 1/15/04)

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: Boston Category No. II Investigating Agency DEACity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant X
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Van Ril Huynh Juvenile ☐ Yes ☒ No

Alias Name _____

Address 87 Willow Street, Apartment 1/2, Ottawa, Ontario, CanadaBirth date (Year only): 1966 SSN (last 4 #): _____ Sex M Race: Asian Nationality: Vietnamese

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Heidi E. Brieger Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: VietnameseMatter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

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JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Van Ril Huynh

U.S.C. Citations

| | <u>Index Key/Code</u> | <u>Description of Offense Charged</u> | <u>Count Numbers</u> |
|--------|---------------------------|---------------------------------------|----------------------|
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| Set 4 | _____ | _____ | _____ |
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JS 45 (5/97) - (Revised USAO MA 1/15/04)

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Same Defendant _____ New Defendant X
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Thi Phuong Mai Le Juvenile ☐ Yes ☒ NoAlias Name "Mai" and "Monica"Address 1170 Prince of Wales Drive, Ottawa, Ontario, CanadaBirth date (Year only): 1965 SSN (last 4 #): _____ Sex F Race: Asian Nationality: Vietnamese

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Heidi E. Brieger Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: VietnameseMatter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

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JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Thi Phuong Mai Le

U.S.C. Citations

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|--------|-----------------------|---------------------------------------|----------------------|
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Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Hong Bich Tieu Juvenile ☐ Yes ☒ No

Alias Name _____

Address 370 Viewmont Drive, Ottawa, Ontario, CanadaBirth date (Year only): 1976 SSN (last 4 #): _____ Sex F Race: Asian Nationality: Vietnamese

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Heidi E. Brieger Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: VietnameseMatter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

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Name of Defendant Hong Bich Tieu

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